

## REMARKS

Claims 1-7, 9, 11, and 12 are pending in the present application, while claims 8, 10, and 13-16 have been withdrawn. In the Office Action of June 7, 2005, claims 1-7, 9, 11, and 12 were rejected. Applicant traverses the rejections as follows.

### Objections

The disclosure was objected to because an Internet address was contained therein (page 6, line 7 or paragraph 0034). Applicant has amended the disclosure to remove the Internet address.

Additionally, the drawings were objected to because reference numeral 604 in paragraph 0039 (i.e., Fig. 6) was not shown. Applicant submits herewith a replacement sheet for Fig. 6 adding reference numeral 604.

### Double-Patenting

Claims 1-7, 9, 11, and 12 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10/685,662. Applicant will file a terminal disclaimer in the event that the claims of Application No. 10/685,662 are allowed.

### Rejections under 35 U.S.C. 102

Claims 1-3, 5, 7, 9, 11, and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by PCT publication WO 01/60660 to Spry. It was alleged that Spry teaches all of the limitations of Applicant's claims, including "a mating unit removably connected to the mounting bracket" (Applicant's claim 1). This feature is allegedly shown as mating unit 1 of Spry. Applicant does not believe that Spry teaches a "mating unit" as claimed, a mating unit that is "removably connected" to a mounting bracket, or a mounting bracket as claimed by Applicant.

The mating unit as claimed by Applicant comprises an adjustable shackle, complete with a locking mechanism that allows adjustment of the shackle. The "mating unit" or lower attachment sleeve 1 described in Spry comprises only **one half** of the shackle as claimed by Applicant, i.e., lower attachment sleeve 1 and U-shaped locking insert 3. In other words, the "mating unit" of Spry corresponds

only to "fixed portion 314" as described in paragraph 0032 of Applicant's specification. Therefore, Spry does not teach an adjustable shack as claimed by Applicant, and a rejection under 35 U.S.C. 102(b) should not be sustained.

In addition, Applicant does not believe that Spry teaches a mating unit that can be "removably connected" to a mounting bracket. Spry teaches that the lower attachment sleeve 1 is permanently attached to a roof rack:

"The improved surfboard security locking system is comprised primarily of two elongated U-shape brackets. One bracket is *permanently attached* to the top of the roof rack by means of fully concealed self-tapping screws or the like." (Spry, para. 25, emphasis added)

It is clear that the lower attachment sleeve is permanently connected to the roof rack, and, therefore, Spry cannot anticipate Applicant's claims.

Finally, Applicant does not believe that Spry teaches a mounting bracket. It was alleged that Spry does teach such a feature directly below shackle 3 in Fig. 8. A careful review of Fig. 8, however, simply shows a cut-away view of self-tapping screws 14 and 15 installed through lower attachment sleeve 1 and into a roof rack. Fig. 8 does not illustrate, nor does Spry's specification teach, the use of a mounting bracket in conjunction with a mating unit.

For the above reasons, Applicant respectfully requests that the rejections to claims 1-3, 5, 7, 9, 11, and 12, be withdrawn.

#### Rejections under 35 U.S.C. 103

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Spry in view of Kemery et al. (US 6,263,709). It was alleged that it would have been obvious to substitute a surfboard for the snowboard taught by Kemery et al. Applicant does not believe that Spry teaches all of the limitations of claim 12, as explained above with respect to the rejections of claims 1-3, 5, 7, 9, 11, and 12. As such, even if one were to combine the two references, the combination still would not teach Applicant's claimed invention.

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Spry in view of Mareydt et al. (US 4,261,496). It was alleged that it would have been obvious to include interengaging tabs and slots with the mounting bracket and mating unit of Spry to obviate Applicant's claims. Again, Applicant does not

believe that Spry teaches all of the limitations of claim 4, as explained above with respect to the rejections of claims 1-3, 5, 7, 9, 11, and 12. As such, even if one were to combine the two references, the combination still would not teach Applicant's claimed invention.

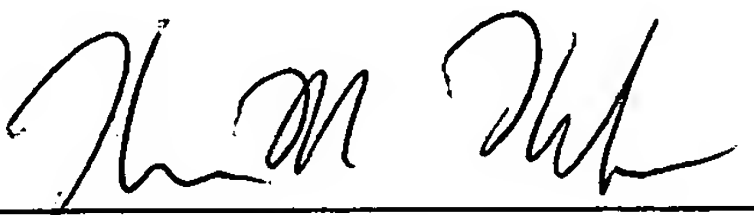
Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Spry in view of Wroble (US 5,706,680). It was alleged that it would have been obvious to provide a fin guard with the shackle of Spry to obviate Applicant's claim. Again, Applicant does not believe that Spry teaches all of the limitations of claim 6, as explained above with respect to the rejections of claims 1-3, 5, 7, 9, 11, and 12. As such, even if one were to combine the two references, the combination still would not teach Applicant's claimed invention.

### Conclusion

For the reasons stated above, Applicant believes that the claims are allowable over the cited references, and that a full and complete reply has been made to the outstanding Office Action. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Please note, however, that I will be unavailable from Sept. 10 through Sept. 26.

Respectfully submitted,

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**Amendments to the Drawings:**

The attached drawing sheet includes a change to Fig. 6. This sheet replaces the original sheet. In Figure 6, reference numeral 604 has been added.

Attachment: 1 Replacement Drawing Sheet